



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roger Desmond Drinkwater, et al. **Examiner:** G. Bugaisky
Serial No.: 09/673,490 **Group:** 1653
Filed: October 16, 2000 **Docket:** 13922
For: NOVEL OMEGA CONOTOXIN PEPTIDES **Dated:** October 16, 2002

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

RECEIVED
TECH CENTER 1600/2900
OCT 22 2002

STATEMENT UNDER 37 C.F.R. §1.821(f)

Sir:

I hereby state that the content of the substitute paper and substitute computer readable copies of the Sequence Listing submitted in accordance with 37 C.F.R. §§1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Peter I. Bernstein
Registration No. 43,497

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343
PIB/XZ:ab

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on October 16, 2002.

Dated: October 16, 2002

Michelle Mustafa



HIS
Searched
PATENTS
10/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roger Desmond Drinkwater, et al. Examiner: G. Bugaisky
Serial No.: 09/673,490 Group: 1653
Filed: October 16, 2000 Docket: 13922
For: NOVEL OMEGA CONOTOXIN PEPTIDES Dated: October 16, 2002

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

RECEIVED
OCT 22 2002

TECH CENTER 1600/2900

RESPONSE TO NOTICE TO COMPLY UNDER 37 C.F.R. §1.821

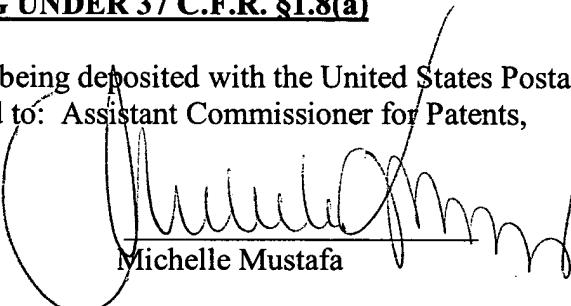
Sir:

In response to the Notice to Comply dated September 17, 2002, and in accordance with the provisions in 37 C.F.R. §1.821, Applicants submit herewith a substitute paper copy and a substitute computer readable copy of the Sequence Listing.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

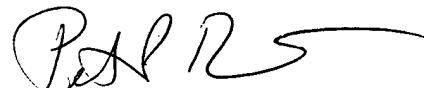
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 16, 2002.

Dated: October 16, 2002


Michelle Mustafa

Applicants respectfully submit that the content of the paper and computer copies of the sequence listing does not introduce new matter.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
Telephone: 516-742-4343
PIB/XZ:ab

Enclosures:

- Substitute paper copy of the Sequence Listing;
- Diskette containing a substitute computer-readable copy of the Sequence Listing;
- Statement under §1.821(f);
- Copy of the Notice to Comply.



Application No.: 09/673490

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- Other
- The disks are being irradiated by electron bombardment and are showing up melted, unreadable, and/or crazed (CDROMS).

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following (which were provided on the USPTO internet site at:

<http://www.uspto.gov/september11/mailqanda.htm> :

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
2. Mailed to:
U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

TECH CENTER 1600/2900

OCT 22 2002

RECEIVED

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

3. Mailed by Federal Express, United Parcel Service or other delivery service to:

U. S. Patent and Trademark Office

2011 South Clark Place

Customer Window, Box Sequence

Crystal Plaza Two, Lobby, Room 1B03

Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:

2011 South Clark Place

Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,

Arlington, Virginia 22202

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
 - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
 - Email: PATIN21HELP@uspto.gov
 - To purchase PatentIn software: (703) 306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE